

**8952. Misbranding of cottonseed meal and cake. U. S. \* \* \* v. Morrillton Cotton Oil Co. (John J. Scroggin et al.). Pleas of guilty. Fine, \$75 and costs. (F. & D. No. 11214. I. S. Nos. 10835-r, 10844-r.)**

On May 6, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John J. Scroggin, William O. Scroggin, James S. Martin, and William P. Bridewell, trading as the Morrillton Cotton Oil Co., Morrillton, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 24, 1918, of a quantity of cottonseed meal, and on or about October 18, 1918, of a quantity of cottonseed cake, which were misbranded. The articles were labeled in part, respectively, "Forfat Brand Cotton Seed Meal" and "Supreme Brand Cotton Seed Cake."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Forfat Brand cottonseed meal contained 37.5 per cent of protein, 14.6 per cent of crude fiber, and was short in weight; and that the Supreme Brand cottonseed cake contained 37.3 per cent of protein, 5.05 per cent of fat, and 14.2 per cent of crude fiber.

Misbranding of the Forfat Brand was alleged in the information for the reason that it was labeled "Protein 38.55%, Crude Fibre 12%, 100 Lbs. Gross, 99 Lbs. Net" so as to deceive and mislead purchasers into the belief that it contained not less than 38.55 per cent of protein, not more than 12 per cent of crude fiber, and that each sack thereof contained not less than 99 pounds net of the article, and for the further reason that the aforesaid statements were false and misleading in that they represented to purchasers that the article contained not less than 38.55 per cent of protein and not more than 12 per cent of crude fiber, and that each sack contained not less than 99 pounds net thereof, whereas, in fact and in truth, the article contained less than 38.55 per cent of protein, more than 12 per cent of crude fiber, and less than 99 pounds net of the article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents of said package was not plainly and conspicuously marked on the outside thereof in terms of weight, measure, or numerical count.

Misbranding of the Supreme Brand was alleged for the reason that the statements appearing on the label, to wit, "Protein 38.60%, Fat 6%, Crude Fibre 12%," were false and misleading in that they represented to purchasers thereof that the article contained not less than 38.60 per cent of protein, not less than 6 per cent of fat, and not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the article contained not less than 38.60 per cent of protein, not less than 6 per cent of fat, and not more than 12 per cent of crude fiber, whereas, in fact and in truth, it contained less than 38.60 per cent of protein, less than 6 per cent of fat, and more than 12 per cent of crude fiber.

On May 25, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**8953. Misbranding of Bliss Native Herbs. U. S. \* \* \* v. 11½ Dozen Boxes and 12½ Dozen Boxes of Bliss Native Herbs. Consent decrees of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 11293, 11294. I. S. Nos. 17273-r, 17274-r, 17275-r, 17276-r. S. Nos. E-1749, E-1750.)**

On or about September 26, 1919, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 11½ dozen boxes (\$1 size) and 12½ dozen boxes (6½ dozen, \$1 size, 3½ dozen, 50-cent size, 1½ dozen, \$1 size, herb form) of Bliss Native Herbs, remaining in the original unbroken packages at Richmond, Va., alleging that the articles had been shipped

by the Alonzo O. Bliss Medical Co., Washington, D. C., on or about August 25 and July 14, 1919, respectively, and transported from the District of Columbia into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of aloes, uva ursi, buchu, licorice, and a resin-bearing drug.

It was alleged in substance in the libels that the article was misbranded for the reason that certain statements appearing in the labeling, regarding the curative and therapeutic effects thereof, falsely and fraudulently represented the article as effective to prevent the growth of harmful bacteria in the intestines and eliminate them, thereby preventing intestinal putrefaction and auto-intoxication, and to adjust bowel troubles, as invaluable for sciatica, lumbago, acute and chronic rheumatic pains, and enlargement of joints, as effective to correct the blood and dissolve acids that accumulate in the system, for dyspepsia, indigestion, inflammation of the bladder, scalding urine and brick-dust sediment, headache, sallow complexion, constipation and dizziness, yellow eyeballs, jaundice, sour stomach, variable appetite and generally out-of-sorts condition, chronic liver ailments, to regulate the stomach and bowels and to purify the blood, thus affording the body more nourishment and force to throw off the ailment (catarrh) and also provide the means of carrying it from the system, as guaranteed effective in deep-seated catarrhal affection whether of the head or stomach, for grippe (influenza or epidemic catarrh), as a great blood stimulator, which also aids in benefiting many of the bodily organs and healing the afflicted or diseased parts reached through the blood, to remove impurities of the blood, for constipation, one of the principal causes of piles, for malaria, chills, and fever, to cure piles, rheumatism, and kidney trouble, for rheumatism, kidney or liver trouble, to free one from liver or stomach trouble, and for asthma, when, in truth and in fact, it was not.

On December 4, 1919, the Alonzo O. Bliss Medical Co., Washington, D. C., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate amount of \$500, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**8954. Misbranding of Dr. Harper's Anti-Cholera Tonic for Hogs. U. S. \* \* \* v. 78 Dozen Packages, 153 Dozen Packages, and 85 Dozen Packages of Dr. Harper's Anti-Cholera Tonic for Hogs. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 11681 to 11786, inclusive. I. S. Nos. 8715-r, 8722-r, 8723-r, 8724-r, 8727-r, 8728-r, 8729-r, 8730-r, 8731-r, 8732-r. S. Nos. C-1564, C-1565, C-1566.)

On or about December 18, 1919, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 78 dozen packages, 153 dozen packages, and 85 dozen packages of Dr. Harper's Anti-Cholera Tonic For Hogs, remaining unsold in the original unbroken packages, in the possession of various dealers in Oklahoma, alleging that the article had been shipped by the Elite Chemical Co., Watertown, Tenn., between the dates of June 4 and July 30, 1919, and transported from the State of Tennessee into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture consisting essentially of sodium bicarbonate, sodium sulphate, iron oxid, sulphur, and ground plant material, including fragments of seeds and hulls.

Misbranding of the article was alleged in substance in the libels for the reason that the cartons and the circulars inside the cartons contained statements, designs, and